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5 **IN THE SUPREME COURT**

6 **STATE OF ARIZONA**

7
8 In the Matter of: Supreme Court
9 No. R-16-0047

10 PETITION TO AMEND RULE 38 OF
11 THE ARIZONA RULES OF THE
12 SUPREME COURT

13 Comment on behalf of Arizona
14 Commission on Access to Justice

15 The Arizona Commission on Access to Justice (ACAJ) was established by
16 Administrative Order 2014-83, pursuant to the Court’s 5-year strategic agenda of
17 “Advancing Justice Together: Courts and Communities.” The order specifically
18 directs the ACAJ, among other things, to make recommendations on increasing
19 and encouraging *pro bono* services by attorneys practicing law in Arizona.

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21 On behalf of Arizona’s civil legal aid providers in Arizona, the William E.
22 Morris Institute for Justice has submitted Rule Petition R-16-0047 to clarify and
23 facilitate the process by which registered in-house counsel in Arizona can provide
24 volunteer legal services through an approved legal services program. Through
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1 previous, and likely unintended, changes to Rule 38, the process by which
2 registered in-house counsel could qualify to volunteer such services was
3 unnecessarily made more complicated, and is duplicative of other registration
4 requirements. This has had the undesired effect of discouraging registered in-
5 house counsel in their desire to perform *pro bono* services.
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8 The ACAJ is currently collaborating with the Arizona Chapter of the
9 Association of Corporate Counsel, an organization made up of in-house counsel
10 for a large number of Arizona companies, to promote the delivery of volunteer
11 legal services to underserved and at-risk populations in Arizona. The lawyers who
12 belong to this Association have both transactional and litigation skills and
13 experience, and range from solo practitioners, who may be part of a small
14 corporate/business entity, to members of an in-house corporate legal team, with
15 expertise in local, state, national and international legal issues. The Association
16 has an active *Pro Bono* Committee, chaired by Mr. Kevin Groman, and has
17 publicly announced its commitment to providing volunteer legal services in
18 Arizona. In that regard, the Association has already launched discrete projects,
19 such as serving as volunteer mediators in Maricopa County's Commercial Court,
20 helping staff (in conjunction with law students from the University of Arizona and
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1 Arizona State University) an Entrepreneurship Clinic to assist at-risk individuals
2 in their efforts to start a business, and to provide volunteer legal services for the
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4 Armory, a new non-profit entity that assists veterans who want to start a business
5 here in Arizona.

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7 Other corporate counsel *pro bono* projects are equally valuable: Intel,
8 through the leadership of Dan Christensen, runs a monthly debt counseling clinic
9 under the direction and supervision of Community Legal Services. The in-house
10 legal departments of Arizona Public Service and Salt River Project likewise have
11 important on-going *pro bono* projects that provide much-needed legal services to
12 veterans and other at-risk populations.
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15 Keeping the enthusiasm and momentum associated with the efforts of the
16 Association and other corporate partners to recruit their attorneys to donate legal
17 services is a challenge when these lawyers realize that, in addition to the initial
18 registration they completed to obtain approval to practice law in Arizona, they have
19 to complete another, essentially duplicative registration process in order to qualify
20 to volunteer their legal services under the direction and supervision of one of
21 Arizona's recognized civil legal aid providers.
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1 Rule Petition R-16-0047 identifies the confusion created by prior rule
2 changes, and suggests a solution so that registered in-house counsel can more
3 easily provide volunteer legal assistance to those in desperate need of their services.
4 The current rule contains an unnecessary barrier to encouraging and facilitating the
5 delivery of these services, and the ACAJ strongly supports and urges the Court's
6 approval of the amendments to Rule 38 proposed in this rule petition.
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9 RESPECTFULLY SUBMITTED, this 18th day of May, 2017.
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12 /s/ Lawrence F. Winthrop
13 Lawrence F. Winthrop
14 Chair, Arizona Commission on Access
15 to Justice

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